

The Supreme Court of the State of Louisiana

IN RE: GERALD JOSEPH ASAY

No.2021-OB-00069

IN RE: Gerald Joseph Asay – Applicant Other; Findings and Recommendations
(Reinstatement);

April 07, 2021

Conditional reinstatement granted. See per curiam.

JLW

JDH

SJC

JTG

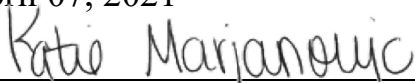
WJC

JBM

PDG

Supreme Court of Louisiana

April 07, 2021



Chief Deputy Clerk of Court
For the Court

04/07/21

SUPREME COURT OF LOUISIANA

NO. 2021-OB-0069

IN RE: GERALD JOSEPH ASAY

ON APPLICATION FOR REINSTATEMENT

PER CURIAM

This proceeding arises out of an application for reinstatement to the practice of law filed by petitioner, Gerald Joseph Asay, a suspended attorney.

UNDERLYING FACTS AND PROCEDURAL HISTORY

On January 18, 2019, we accepted a joint petition for consent discipline and suspended petitioner from the practice of law for three years, retroactive to July 21, 2015, the date of his interim suspension. *In re: Asay*, 18-2002 (La. 1/18/19), 261 So. 3d 779. The record of the matter reflects that petitioner entered an Alford plea to one count of negligent injuring stemming from a confrontation with his estranged wife. The record further reflects that after the incident, petitioner sought treatment for a substance use disorder. Upon completion of the treatment program, petitioner entered into a recovery agreement with the Judges and Lawyers Assistance Program (“JLAP”).

On September 10, 2019, petitioner filed the instant application for reinstatement to the practice of law in Louisiana, asserting that he has complied with the reinstatement criteria set forth in Supreme Court Rule XIX, § 24(E). On November 4, 2019, the ODC filed its response to petitioner’s application for

reinstatement, taking no position regarding the matter. The matter was then referred for a formal hearing before a hearing committee.

Following the hearing, the hearing committee recommended petitioner be reinstated to the practice of law, subject to a probationary period governed by certain conditions. Both petitioner and the ODC objected to the committee's report and recommendation. Accordingly, the matter was reviewed by the disciplinary board pursuant to Supreme Court Rule XIX, § 24(H)(2).

After review, the board recommended petitioner be reinstated to the practice of law, subject to a probationary period to coincide with the remainder of his five-year JLAP recovery agreement executed on May 14, 2020, governed by the following conditions:

1. Petitioner shall continue to comply with and complete his May 14, 2020 JLAP recovery agreement; and
2. Should petitioner fail to comply with these conditions, or should he commit any misconduct during the probationary period, his conditional right to practice may be terminated immediately, or he may be subjected to other discipline pursuant to the Rules of Lawyer Disciplinary Enforcement, as appropriate.

Neither petitioner nor the ODC objected to the disciplinary board's recommendation.

DISCUSSION

After considering the record in its entirety, we find petitioner has met his burden of proving that he is entitled to be reinstated to the practice of law on a conditional basis. Accordingly, we will order that petitioner be reinstated to the practice of law, subject to a probationary period to coincide with the remainder of

his five-year JLAP recovery agreement executed on May 14, 2020, governed by the conditions recommended by the disciplinary board.

DECREE

Upon review of the recommendations of the hearing committee and the disciplinary board, and considering the record, it is ordered that Gerald Joseph Asay, Louisiana Bar Roll number 31604, be immediately reinstated to the practice of law in Louisiana, subject to a probationary period to coincide with the remainder of his five-year JLAP recovery agreement executed on May 14, 2020, governed by the conditions set forth herein. The probationary period shall commence from the date petitioner and the ODC execute a formal probation plan. Should petitioner fail to comply with the conditions of probation, or should he commit any misconduct during the period of probation, his conditional right to practice may be terminated immediately, or he may be subjected to other discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, as appropriate. All costs of these proceedings are assessed against petitioner.